



## CERTIFICATE OF FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, on the date indicated below in an envelope addressed as follows: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

By: Linda S. Wenzel

Dated: 12 November 2004

Linda S. Wenzel



26308

PATENT TRADEMARK OFFICE

*IW DFC*

Customer No.: 26308

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bolduc

Docket No.: 9494.18398

Serial No.: 10/692,282

Examiner: Isabella, David J.

Filed: 23 October 2003

Group Art Unit: 3738

Title: Catheter-Based Fastener Implantation Apparatus and Methods

PETITION FOR AN UNINTENTIONALLY DELAYED BENEFIT CLAIM  
PURSUANT TO 37 C.F.R. §1.78(a)(3)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests to amend the benefit claim under 35 U.S.C. §120 of the above-noted application, as follows in marked-up form:

This application ~~claims the benefit~~ is a continuation-in-part of co-pending United States Patent Application Serial No. 10/307,226, filed November 29, 2002. This application is also a continuation-in-part ~~claims the benefit~~ of co-pending United States Patent Application Serial No. 10/271,334, filed October 15, 2002, which [.] ~~This application also claims the benefit of co-pending~~ United States Provisional Application Serial No. 60/333,937, filed ~~28~~ November 28, 2001.

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Applicant states that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. §1.78 and the date the claim was filed was unintentional.

Applicant hereby petitions for acceptance of the unintentionally delayed benefit claim.

The requisite fee under 37 C.F.R. §1.17(t) is submitted herewith.

Respectfully Submitted,

By Patricia A. Limbach  
Patricia A. Limbach  
Registration No. 50,295

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12 November 2004

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APTUS/18398/041112 Petition Under 37 C.F.R. 1.78(a)(3)